

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

CHRISTOPHER FRED TORRES
Debtor.

Hearing Date: September 10, 2018
Hearing time: 09:30 AM

Case No.: 18-43726-ess
Chapter 13
Judge: Elizabeth S. Stong

OBJECTION TO CONFIRMATION

Courtney R Williams, Esq., an attorney duly admitted to practice before the United States Bankruptcy Court for the Eastern District of New York, states the following under the penalty of perjury:

1. I am an attorney at law duly licensed to practice before this Court and an associate with the office of Gross Polowy, LLC, attorneys for Wells Fargo Bank, N.A., as servicing agent for NRZ Pass-Through Trust IX, U.S. Bank National Association, as trustee. ("Secured Creditor"), and as such, am fully familiar with the facts and circumstances of the present case.
2. Secured Creditor is the holder of a note secured by a mortgage on real property commonly known as 245 51st Street, Brooklyn, NY 11220-1712 which property is owned by the Debtor.
3. The Debtor filed a Chapter 13 Plan on July 6, 2018 which does not state the arrears owed Secured Creditor.
4. Secured Creditor will file a Proof of Claim listing approximately \$417,063.64 in pre-petition arrears.
5. The Debtor's proposed Chapter 13 Plan requests Loss Mitigation, however the Court has not yet entered a Loss Mitigation Order.
6. Additionally, the Debtor's proposed Chapter 13 Plan provides for total plan payments in the amount of \$177,000.00, which is insufficient to fully pay the arrears owed to Secured Creditor if loss mitigation is unsuccessful. Accordingly, the Debtor's proposed Plan is not feasible.
7. As the Debtor's proposed plan fails to provide for full payment of the arrears listed in the Proof of Claim to be filed by Secured Creditor and fails to provide for sufficient funding of the Plan if loss mitigation is unsuccessful, confirmation of the Plan must be denied pursuant to 11 U.S.C. §1325.

WHEREFORE, it is respectfully requested that this Court deny confirmation of the Debtor's proposed plan, and for such other and further relief as to this Court deems just and equitable.



Courtney R Williams
Courtney R Williams, Esq.